

## REMARKS

### ***Remaining Claims***

Claims 8-9, 16 and 24 have been canceled. Claims 1-3, 5, 12, 22-23 and 25-26 have been amended to more clearly point out and distinctly claim the invention. Support for the phrase "wherein the laminated film comprises a metallic substrate affixed to an upside plastic material and an underside plastic material that can be welded to the container" can be found on page 3, the first complete paragraph (lines 6-19). After these amendments are entered, seventeen (17) claims (Claims 1-7, 10-15, 22-23 and 25-26) remain pending in this application through this Amendment.

### ***Rejection of Claim under 35 USC §112***

The rejection under 35 USC §112, second paragraph is moot in view of the amendment of claim 1.

### ***Rejection of Claims under 35 USC §103(a)***

Claims 1-10, 13 and 15-16 were rejected under 35 USC 103(a) as being unpatentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059. Claims 8-9 and 16 have been canceled through this Amendment and therefore the rejection over those claim is moot in view of this Amendment. The rejection of claims 1-7, 10 and 15 is respectfully traversed for the following reasons.

Applicants' invention is not obvious in light of the primary reference (Kiyosaki) and (Edwards et al. '059) because the references combined do not meet all the limitations of the invention. As stated in the MPEP at 706.02(j), to establish a prima facie case of obviousness the "prior art reference (or references combined) must teach or suggest all the claim limitations." As the Examiner noted, Kiyosaki discloses laser marking of a material as container film (not a laminate film as cover film). However, Kiyosaki does not disclose nor suggest anything about a laminate film having a metallic substrate affixed to an upside plastic material and an underside plastic material that can be welded to a container, and about laser marking of the laminate film welded to the container. On the other hand, neither does the secondary reference ('059). The secondary reference teaches thermal transfer printing of a laminated film which is not welded to a container, but does not teach or suggest anything related to laser marking of the laminate film welded to the container. Thus, neither of the references cited teach laser marking of the laminate film welded to

the contain\_r. The references combined do not teach all the limitations of the Applicants' claims, and as such, the Examiner's rejection is respectfully traversed.

Moreover, there is not the requisite motivation to combine the references. The skilled artisan would not be motivated to laser marking of a laminate film welded to the container based on the teaching in Edwards et al. '059. Edwards et al. '059 teaches **thermal transfer printing** of a laminated film before it seals a container (i.e., the laminated film is **not welded** to a container). This is completely different from Applicant's invention as currently claimed, which is to **laser making** of a laminate film **welded to** a container, and as such, the Examiner's rejection is respectfully traversed.

Claims 1-13 and 15-16 were rejected under 35 USC 103(a) as being unpatentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059 and Roy '771. Claims 8-9 and 16 have been canceled through this Amendment and therefore the rejection over those claim is moot in view of this Amendment. The rejection over claims 1-7, 10-13 and 15 is respectfully traversed for the following reasons.

The combination of Kiyosaki with Edwards et al. '059 also forms the basis for the rejection of claims 1-13 and 15-16 under 35 USC 103(a) in combination with one additional secondary reference (Roy '771). As discussed above, the combination of Kiyosaki with Edwards et al. '059 **does not** render the present invention as currently claimed obvious. The additional secondary reference (Roy '771) **can not** fill the gap left by the combination of Kiyosaki with Edwards et al. '059. Applicants submit that the Applicants invention as currently claimed is patentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059 and Roy '771. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection.

Claims 1-16 were rejected under 35 USC 103(a) as being unpatentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059 and Roy '771, further in view of Bornfleth et al. '683. Claims 8-9 and 16 have been canceled through this Amendment and therefore the rejection over those claim is moot in view of this Amendment. The rejection over claims 1-7 and 10-15 is respectfully traversed for the following reasons.

The combination of Kiyosaki with Edwards et al. '059 and Roy '771 also forms the basis for the rejection of claims 1-16 under 35 USC 103(a) in combination with one additional secondary reference (Bornfleth et al. '683). As discussed above, the combination of Kiyosaki with Edwards et al. '059 and Roy '771 **does not** render the present invention as currently claimed obvious. The additional secondary reference (Bornfleth et al. '683) **can not** fill the gap left by the combination of

Kiyosaki with Edwards et al. '059 and Roy '771. Applicant respectfully submits that the present invention as currently claimed is patentable over Kiyosaki in view of Edwards et al. '059 and Roy '771, further in view of Bornfleth et al. '683. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

Claims 1-13, 15-16 and 22-26 were rejected under 35 USC 103(a) as being unpatentable over Kiyosaki JP 08-047784, in view of Edwards et al. '059, Roy '771, and Kim et al. '878. Claims 8-9, 16 and 24 have been canceled through this Amendment and therefore the rejection over those claim is moot in view of this Amendment. The rejection over claims 1-7, 10-12, 15, 22-23 and 25-26 is respectfully traversed for the following reasons.

The combination of Kiyosaki with Edwards et al. '059 and Roy '771 also forms the basis for the rejection of claims 1-16 under 35 USC 103(a) in combination with one additional secondary reference (Bornfleth et al. '683). As discussed above, the combination of Kiyosaki with Edwards et al. '059 and Roy '771 **does not** render the present invention as currently claimed obvious. The additional secondary reference (Kim et al. '878) **can not** fill the gap left by the combination of Kiyosaki with Edwards et al. '059 and Roy '771. Applicant respectfully submits that the present invention as currently claimed is patentable over Kiyosaki in view of Edwards et al. '059 and Roy '771, further in view of Kim et al. '878. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

## CONCLUSION

For the foregoing reasons, Applicants submit that Claims 1-7, 10-15, 22-23 and 25-26 are patentable over the cited prior arts. Applicant respectfully requests reconsideration and withdrawal of the claim rejections set-forth in the Office Action and allowance of claims 1-7, 10-15, 22-23 and 25-26.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,

  
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